



STUDENT OMBUDS OFFICE

2018 ANNUAL REPORT

1 JANUARY 2018 – 31 DECEMBER 2018

TABLE OF CONTENTS

1. STAFF OF THE OFFICE 2

2. PREAMBLE 3

3. COMPLAINTS 3

4. VISIBILITY & PROMOTION OF THE OFFICE 13

5. PERSONNEL..... 13

6. CASE STUDIES OF COMPLAINTS 13

7. QUALITY..... 16

TABLE 1 - SOURCE & NATURE OF COMPLAINTS..... 4

TABLE 2 - INTERNATIONAL STUDENT COMPLAINTS 12

CHART 1 - NATURE OF COMPLAINTS 5

CHART 2 - SOURCE OF COMPLAINTS..... 6

CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY 7

CHART 4 - LONG TERM AVERAGE INCIDENT RATE..... 8

CHART 5 - REFERAL OF COMPLAINTS..... 9

CHART 6 - INFORMAL COMPLAINTS BY TYPE..... 10

CHART 7 - FORMAL VERSUS INFORMAL COMPLAINTS TREND 11

ATTACHMENT 1

TERMS OF REFERENCE..... 17

1. STAFF OF THE OFFICE

The Student Ombuds Office comprised the following persons during the 2018 reporting year:

- | | |
|--------------------|--|
| Angela Dwyer | - Student Ombud
Senior Lecturer
Faculty of Law |
| David Eager | - Assistant Student Ombud
Professor of Risk Management and Injury Prevention
Faculty of Engineering and Information Technology |
| Mai Hansford | - Assistant Student Ombud – January to August
Senior Lecturer
Faculty Arts and Social Science |
| Elizabeth Humphrys | - Assistant Student Ombud
Scholarly Teaching Fellow
Faculty Arts and Social Science |
| Anita Stuhmcke | - Assistant Student Ombud - August to December
Professor of Law
Faculty Law |
| Thomas Bowring | - Administrative Manager – January to July
Student Ombuds Office |
| Jenny Murphy | - Administrative Manager – returned from long service leave in July
Student Ombuds Office |

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Deputy Vice-Chancellor (Education and Students) under the *Terms of Reference* approved by the University Council which can be found in the attachment at the end of this Report.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to perform its role effectively. During 2018 the Student Ombuds Office handled 20 formal complaints. The majority of complaints were resolved through discussion with the parties involved.

The Student Ombuds Office has now been in operation at UTS for 30 years. During this period the Office has established itself as an integral part of the University grievance handling process. The value of the Office is that it is one of "last resort", that is, the Student Ombuds Office will only intervene in a complaint when all other avenues have been exhausted. It is inherent in the role of the Office that it does not advocate for an individual student, rather it adds value to the University by providing a specialist complaint investigating unit to ensure that University processes are implemented fairly and improved where necessary. Thus the Student Ombuds Office contributes to the overall quality and experience of student education.

In 2018 the Office altered our statistical reporting year from 1 February – 31 January each year to 1 January - 31 December. This change will enable the Office to meet the reporting obligations as set out in item 6. of our Terms of Reference.

3. COMPLAINTS

Formal Requests for Assistance: The number of formal requests for assistance recorded in 2018 was twenty, 5 more than those lodged in 2017. The main complaint categories for formal requests for assistance in 2018 were matters directly related to policies and procedures followed by special consideration.

Table 1 shows the source and nature of the complaints by the Faculty that students are enrolled in. It shows the volume of complaints made by a student from the enrolled Faculty yet the complaint itself may be with respect to a person or body external to that Faculty. For example, a student complaint might relate to their enrolment in a joint degree or their treatment by external administrative or other units of the University.

TABLE 1 – SOURCE & NATURE OF COMPLAINTS

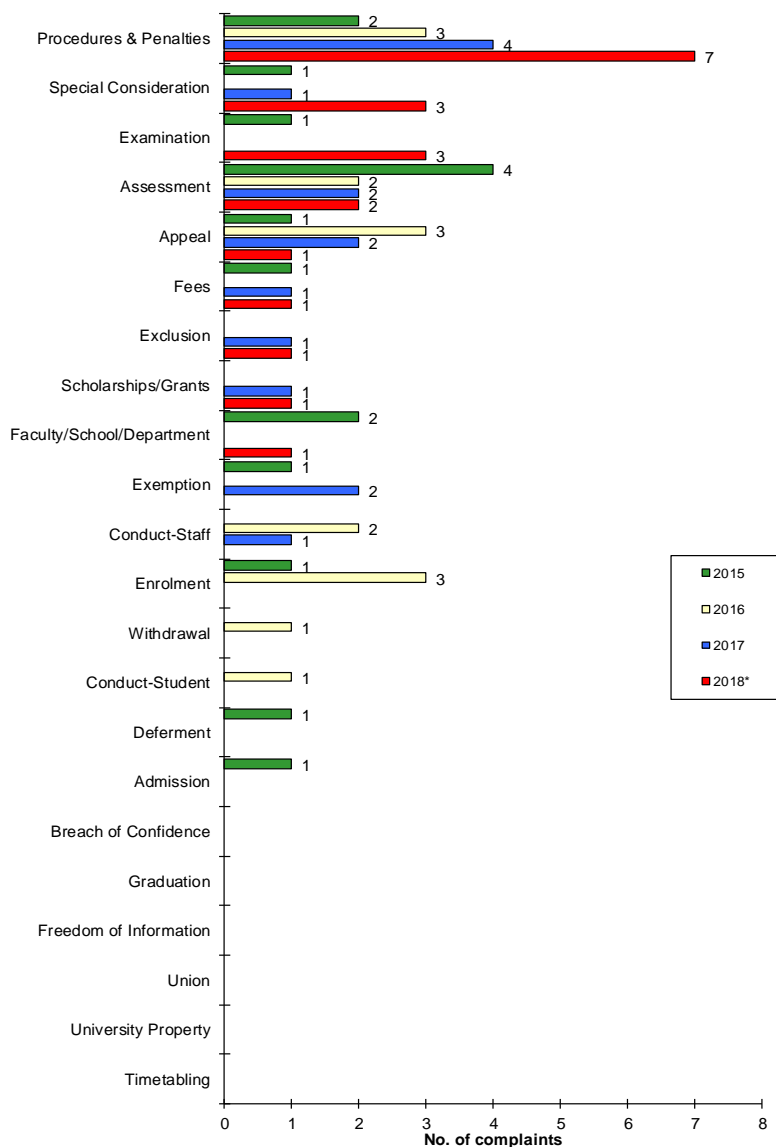
	Science			Other			Arts & Social Sciences			Health			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016	2018*	2017	2016
Admission																											
Appeal																											
Breach of Confidence																											
Conduct-Staff																											
Conduct-Student																											
Deferment																											
Enrolment																											
Examination																											
Exclusion																											
Exemption																											
Faculty/School/Department																											
Fees																											
Freedom of Information																											
Graduation																											
Timetabling																											
Procedures & Penalties																											
Scholarships/Grants																											
Special Consideration																											
Union																											
University Property																											
Withdrawal																											
TOTAL	2	4	1				3	1	2	2	2		5	2	3				3	3	1	5	6	3	20	15	15

Note * 2018 is a partial year from 1 February 2018 to 31 December 2018, all other years are from 1 February to 31 January

Chart 1 presents the same information as in Table 1, with its focus being on the nature of complaints rather than their faculty. It provides this information in a different format to Table 1 and compares it with the previous three years. This chart shows the upward trend in Procedures and Penalties is continuing. The downward trend of Assessment formal matters continues.

One contributing factor to the increase in complaints was the rise in students making a request for assistance after an unsuccessful appeal for no academic penalty and /or no financial penalty due to special circumstances. These complaints are recorded in the category 'Procedures and Penalties'. The UTS web site indicated that students could appeal to the Office if their appeal was unsuccessful. Some students read this to be that our Office was an Appeal mechanism that would consider their complaint further. After consultation with the Student Administration Unit the wording on the web site has been changed.

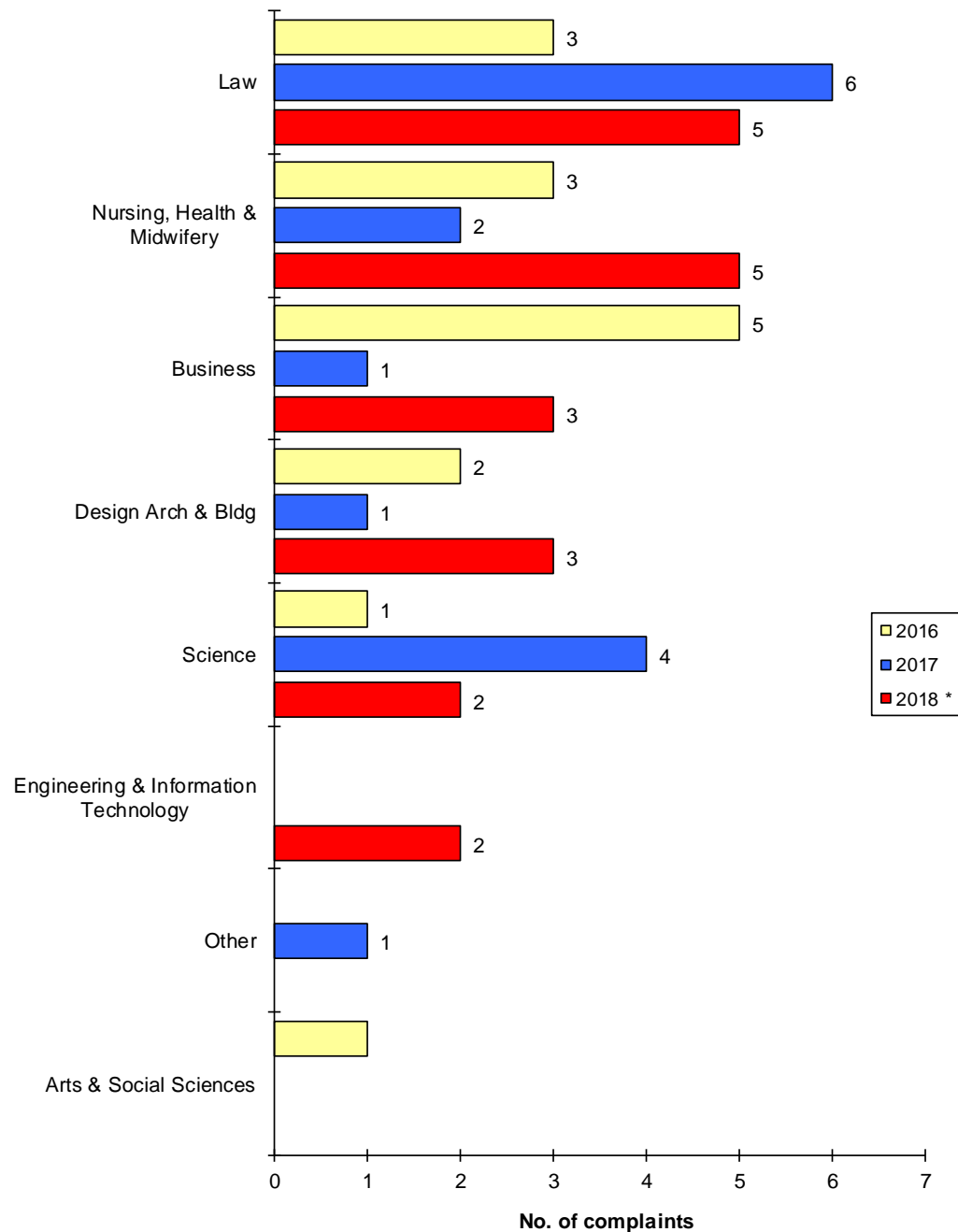
CHART 1 – NATURE OF COMPLAINTS



*Note * 2018 is a partial year from 1 February 2018 to 31 December 2018, all other years are from 1 February to 31 January.*

Chart 2 sets out the complaints according to the enrolled Faculty of the complainant. This information is not broken down by school. It should be noted that when a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly concerning that Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

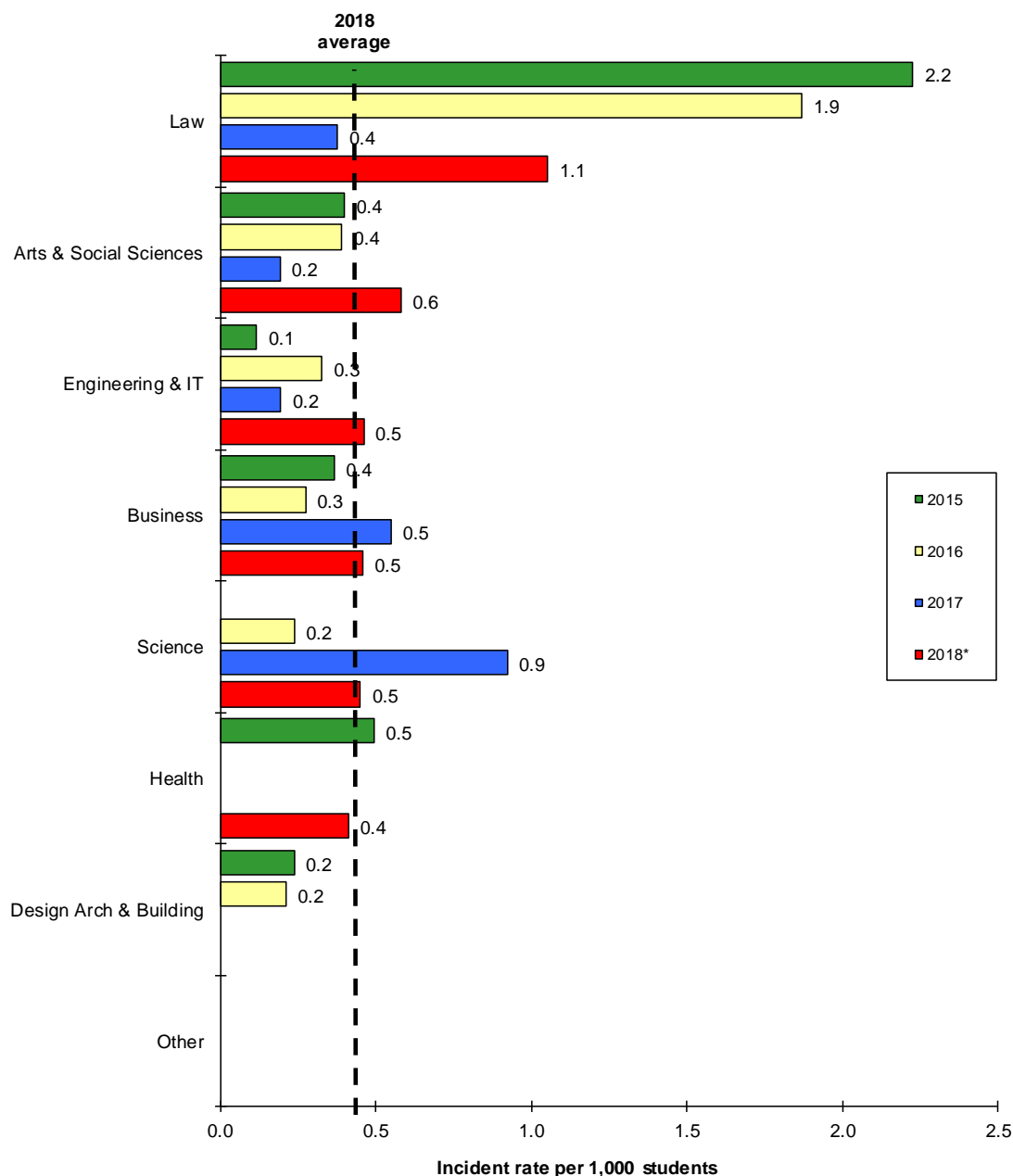
CHART 2 – SOURCE OF COMPLAINTS



*Note * 2018 is a partial year from 1 February 2018 to 31 December 2018, all other years are from 1 February to 31 January.*

Chart 3 demonstrates the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2018, noting that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

CHART 3 – INCIDENCE OF COMPLAINTS BY FACULTY

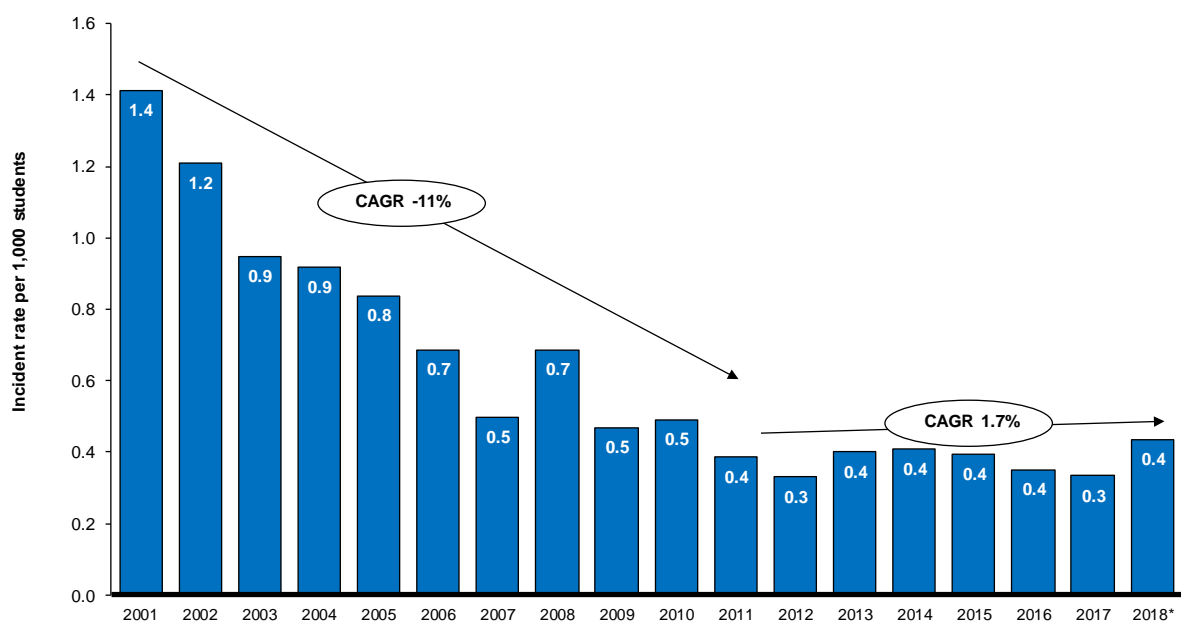


*Note * 2018 is a partial year from 1 February 2018 to 31 December 2018, all other years are from 1 February to 31 January.*

Chart 4 presents the incidence rate per 1,000 students from 2001 to 2018. # This Chart tracks the changes in the number of formal requests for assistance to the Office.

The compound annual growth rate (CAGR) depicts a significant long term decline and that the incident rate has plateaued in the last seven years to 0.3 to 0.4 incidents per 1,000 students. 2018 saw a rise in growth 2011. Although from 2011 through to current date there has been a consistent incident rate of formal complaints on or around 0.4 per 1,000 students indicating an underlying level of complaints relating to UTS processes and procedures.

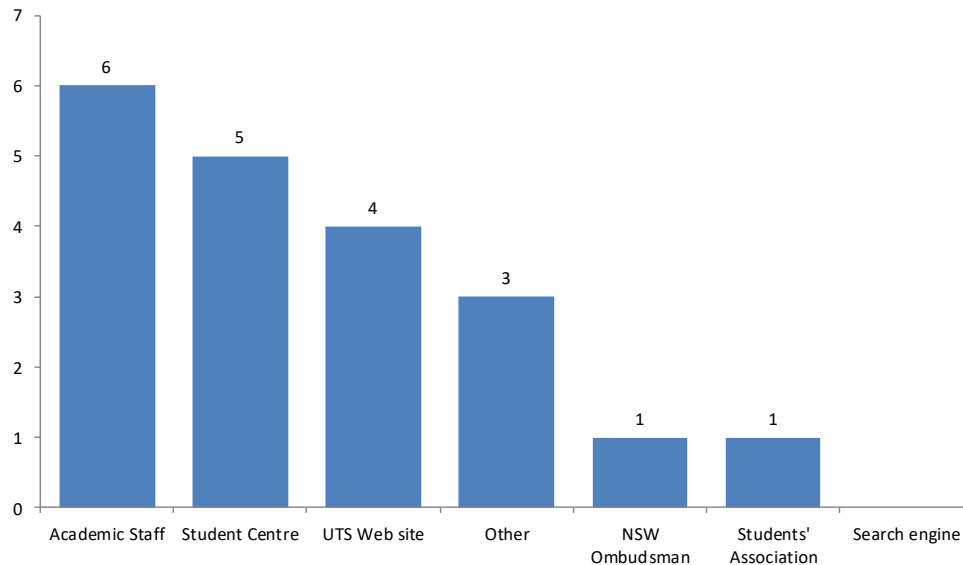
CHART 4 – LONG TERM AVERAGE INCIDENT RATE



Referrals of Complaints: The Office monitors referrals of complaints to gauge visibility and accessibility for students who use the Office. When completing the Request for Assistance Form in making a formal complaint, students are asked to indicate how they heard about the Office. This information is used by the Office to better target information resources towards the student community.

The results of this survey for 2018 are presented in Chart 5 below.

CHART 5 – REFERRAL OF COMPLAINTS



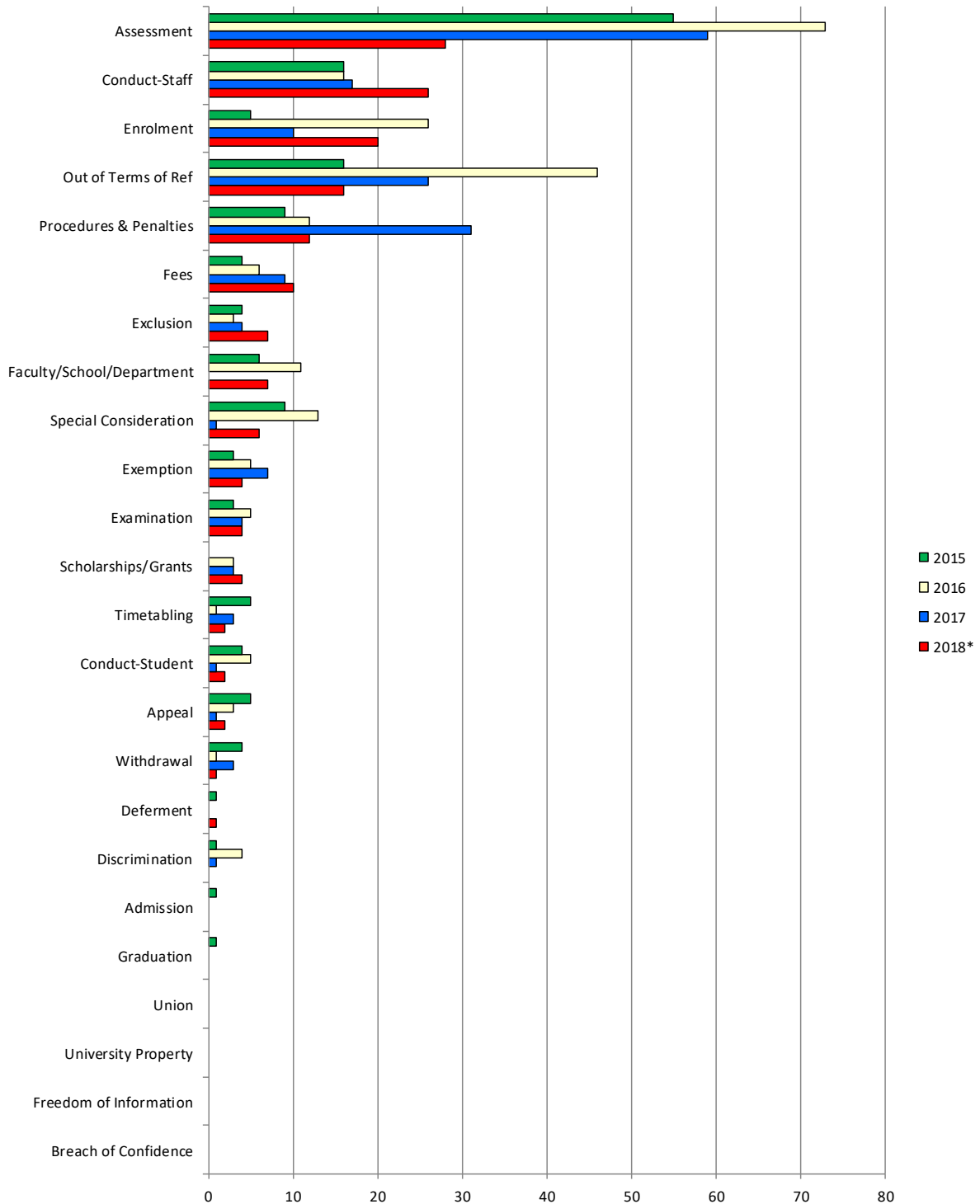
The Office received 6 referrals from Academic Staff making this the largest source of referrals in 2018. In 2017 there had been no referrals from Academic Staff. It is pleasing that staff are aware of the Ombuds Office and feel confident in referring students when they are unable to assist them further. Other referral categories remain relatively consistent with 2017 given the increase in the number of complaints the Office received this year.

Informal Complaints: Approaches from students that do not fall within the Terms of Reference either because they are not enrolled or registered students at UTS, or because all other avenues have not been exhausted, are recorded as informal requests for assistance. Informal requests for assistance covered a wide range of complaint categories. All informal complaints are logged confidentially by date, contact method, faculty and brief description. This information is allocated the same complaint categories that are used for formal requests in annual reporting.

There 152 informal requests for assistance in 2018 a reduction from 180 in 2017. The largest number of informal requests for assistance was again from students experiencing problems related to assessment (28). This was followed by matters concerning the conduct of staff (25), then enrolment (20 and procedures and penalties (12). It is important to note that staff conduct related informal complaints minor disputes such as not replying to a students email as quickly as a student would like.

Chart 6 details the nature of informal requests for assistance over the last four years. Informal complaints for assessment matters was again the highest category.

CHART 6 – INFORMAL COMPLAINTS BY TYPE



*Note * 2018 is a partial year from 1 February 2018 to 31 December 2018, all other years are from 1 February to 31 January.*

Chart 7 shows that since 2007 the incidence of informal complaints has grown from 60 to 152, while formal complaints are up on long term average at 20 complaints. The number of informal complaints has fallen from the 2016 peak. This supports the hypothesis that the 2016 spike can be attributed to student realignment to the structural changes taking place at the University.

The volume of informal complaints in 2018 falls back into the long-term trend seen in Chart 7 from 2007 (excluding 2016).

Formal complaints are up 33% on the previous year and outside the upper and lower range from 2009 to 2016 of 11 to 16.

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND

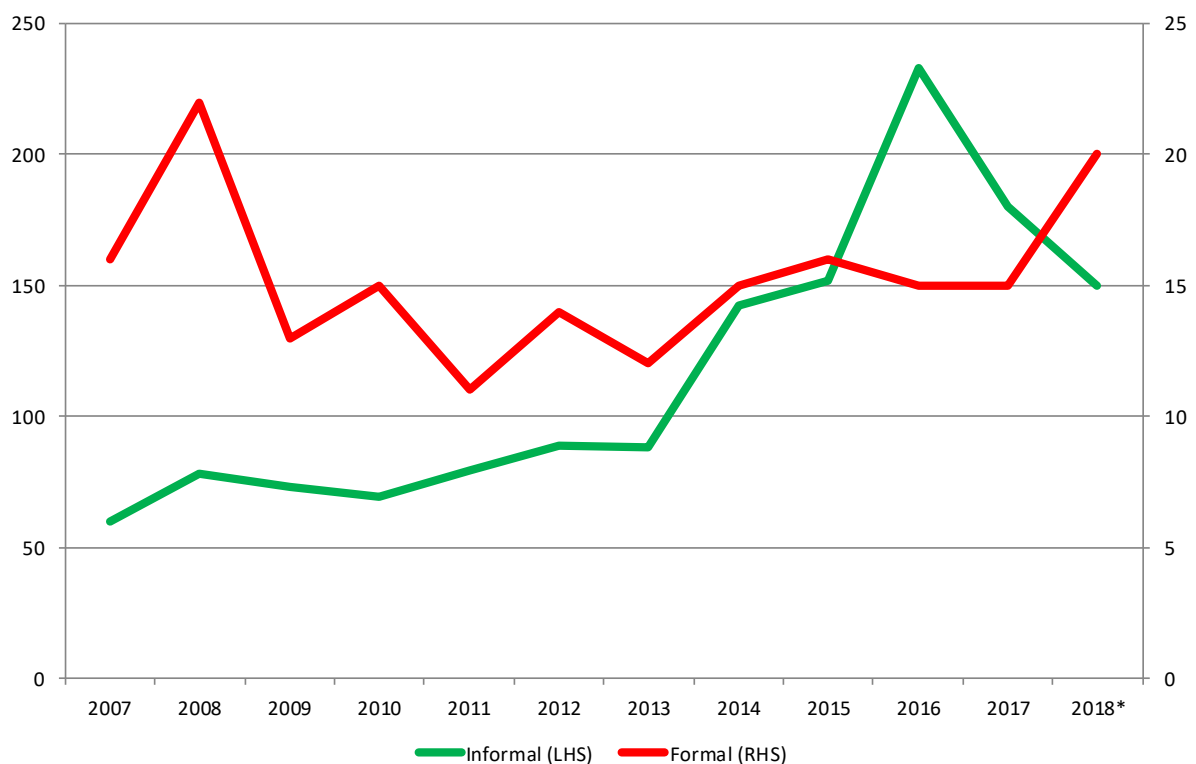


Table 2 suggests Informal complaints from international students appear to be in an uptrend that began in 2014 of between 4 and 5 complaints per 1000 students, international formal complaints remain consistent with long term trends although they are at their highest incidence since reporting began in absolute and relative terms.

The ratio of informal to formal complaints for local and international students has returned to similar proportions after the heavy local skew in 2016 for both classifications of student. This measure points to a range of 7 to 15 informal complaints per formal complaint.

Informal complaints per 1000 students from local students continues to fall with just 2.73 complaints per 1000 students in 2018 the lowest result since 2010.

TABLE 2 – INTERNATIONAL VERSUS LOCAL STUDENT COMPLAINTS

	Student population			Formal requests			Informal Requests			Formal complaints per 1,000 students			Ratio Local:Int			Informal complaints per 1,000 students			Ratio Local:Int			Ratio of Informal to Formal			
	Total	Local	Int	Total	Local	Int	Total	Local	Int	Local	Int	Ratio	Local:Int	Local	Int	Ratio	Local:Int	Local	Int	Ratio	Local:Int	Local	Int	Ratio	Local:Int
2018*	45,930	30,796	15,134	20	12	8	152	84	68	0.39	0.53	0.74	0.39	0.53	0.74	2.73	4.49	7.00	8.50	7.00	8.50	7.00	8.50	7.00	8.50
2017	44,887	30,598	14,289	15	10	5	180	105	75	0.33	0.35	0.93	0.33	0.35	0.93	3.43	5.25	10.50	15.00	10.50	15.00	10.50	15.00	10.50	15.00
2016	42,674	30,290	12,384	15	13	2	233	162	71	0.43	0.16	2.66	0.43	0.16	2.66	5.35	5.73	12.46	35.50	12.46	35.50	12.46	35.50	12.46	35.50
2015	40,639	29,221	11,418	16	12	4	152	102	50	0.41	0.35	1.17	0.41	0.35	1.17	3.49	4.38	8.50	12.50	8.50	12.50	8.50	12.50	8.50	12.50
2014	39,074	28,339	10,735	15	11	4	142	96	46	0.39	0.37	1.04	0.39	0.37	1.04	3.39	4.29	8.73	11.50	8.73	11.50	8.73	11.50	8.73	11.50
2013	37,381	27,631	9,750	12	7	5	88	83	5	0.25	0.51	0.49	0.25	0.51	0.49	3.00	0.51	11.86	1.00	11.86	1.00	11.86	1.00	11.86	1.00
2012	36,357	26,886	9,471	14	9	5	89	84	5	0.33	0.53	0.63	0.33	0.53	0.63	3.12	0.53	9.33	1.00	9.33	1.00	9.33	1.00	9.33	1.00
2011	36,235	26,535	9,700	11	9	3	79	77	2	0.34	0.31	1.10	0.34	0.31	1.10	2.90	0.21	14.07	0.67	14.07	0.67	14.07	0.67	14.07	0.67
2010	34,646	25,530	9,116	15	11	4	69	62	7	0.43	0.44	0.98	0.43	0.44	0.98	2.43	0.77	5.64	1.75	5.64	1.75	5.64	1.75	5.64	1.75
2009	33,811	25,538	8,273	13	9	4	73	59	14	0.35	0.48	0.73	0.35	0.48	0.73	2.31	1.69	6.56	3.50	6.56	3.50	6.56	3.50	6.56	3.50
2008	32,276	24,717	7,559	22	16	6	65	59	14	0.65	0.79	0.82	0.65	0.79	0.82	2.31	1.69	6.56	3.50	6.56	3.50	6.56	3.50	6.56	3.50

Co-operation with the Office: The Office continues to maintain a very high level of support for its work amongst University staff. The co-operation and willingness to assist in resolution of complaints have enabled the role of the Student Ombuds Office to be carried out more effectively and efficiently.

Formal Reports: Reports may be submitted to the Deputy Vice-Chancellor should a satisfactory conclusion not be reached and where specific recommendations are required. During 2018 there were no formal reports made to the Vice-Chancellor for consideration.

4. VISIBILITY AND PROMOTION OF THE OFFICE

The Office web site is <http://www.uts.edu.au/current-students/support/when-things-go-wrong/appeals-and-complaints/uts-student-ombud>.

The Student Ombuds Office continued the practice of providing promotional pens with the Student Ombud Office web site address that were distributed to new students with other orientation information before sessions begin. The Ombuds Office does this with the intention of making the Office more visible to new students.

5. PERSONNEL

The Student Ombud Office consists of the Student Ombud and three Assistant Ombuds employed from different faculties for 3 years. There is also a permanent part-time Administrative Manager. During the year the Office undertook a selection process within UTS for Ombud staff in 2019 in preparation for the conclusion of a number of contracts at the end of 2018.

Expressions of interest were called for the position of Student Ombud from current or previously appointed Assistant Student Ombuds or past Student Ombuds or UTS academic staff with experience in student complaint investigation at a leadership level from other tertiary institutions.

Expressions of interest were also called for three Assistant Student Ombuds positions from continuously appointed full-time academic staff at UTS with an interest in UTS policy and procedure. The successful applicants were approved by Council and will begin their roles in January 2019.

The Office would like to acknowledge Assistant Student Ombud Mai Hansford whose contract ended in 2018. Mai was an important member of our Office combining her meticulous investigative skills with extensive experience working with students at UTS. We thank her for her contributions to the Office.

The Office would also like to acknowledge Angela Dwyer whose term as Student Ombud concluded at the end of 2018. Angela first worked in the Office as Assistant Student Ombud from 2006 to 2009 and then again from 2013 to 2016. Angela was then elevated to Student Ombud in January 2016 completing the term in December this year. Our sincere thanks go to Angela for the continued success of the Student Ombuds Office. Angela's ongoing dedication and commitment to the Office along with her thorough understanding of UTS policies and procedures have been of great assistance to students, staff and the wider community. Angela

retires from UTS but plans to return later in 2019. We are delighted that her knowledge and understanding will continue to benefit students and staff at UTS.

At times we benefit from being able to draw from a pool of experienced and dedicated past Student Ombuds who make themselves available when needed. This was the case in August when past Student Ombud and Professor of Law, Anita Stuhmcke temporarily filled the role of Assistant Ombud when a staff member was on extended leave from UTS. We thank Anita again for assisting the Office and the University when needed.

Administrative Manager Jenny Murphy returned from Long Service Leave in July 2018. We thank Thomas Bowring who filled the role while she was on leave.

In 2018 the Office was staffed by the following:

Angela Dwyer, Student Ombud
David Eager, Assistant Student Ombud
Mai Hansford, Assistant Student Ombud
Elizabeth, Humphrys, Assistant Student Ombud
Anita Stuhmcke, Assistant Student Ombud
Thomas Bowring, Administrative Manager
Jenny Murphy, Administrative Manager

6. CASE STUDIES OF COMPLAINTS

Given below are three sample cases of Requests for Assistance investigated by the Office in 2018.

Case Study 1

A student contacted the Office to complain that UTS did not follow appropriate process in considering a request for removal of HECS financial liability. The student argued that UTS was aware that they had transferred from UTS to another University some years ago but had charged the student HECS.

The Ombud reviewed the information provided by the student then consulted the Director of the UTS Student Administration Unit and found that in the case of fees liability, the university can arrange a withdrawal after a HECS census date and the remittance of a related HECS debt. Applications for remittance and withdrawal must be made within 12 months. A HECS debt can be remitted if it fits certain guidelines, when one of the three things happens: a) there was an administrative error by the university; b) the student was ill and this prevented them completing the subjects; or c) the student suffered misadventure and this prevented them completing the subjects. In regards to this matter, the question appeared to be whether UTS made an administrative error.

Further investigation revealed the student was sent the normal reminders about fee liability and due dates. UTS records confirm that emails were sent to the student's UTS account.

The Office also found that there is no process called a 'transfer' from one institution to another. Universities are separate institutions and do not share enrolment details as a matter

of course. Any student who moves from one university to another must apply to the second institution directly or through UAC, and if they are offered a place then they must withdraw from the first institution. UTS staff cannot withdraw a student, and this must be done by the student.

If the student had contacted UTS they would have been referred to MSA to withdraw from the units in question as they cannot withdraw a student and there is no official process called a 'transfer' between universities. Any attempt by the student to log in and withdraw from units would have been logged by MSA automatically, and the Office could find no evidence that this was done.

Therefore the Office determined that there is insufficient evidence of maladministration in this matter to make a recommendation that the HECS financial liability be removed.

Case Study 2

A student lodged a formal request for assistance after failing a supplementary examination. The student had failed the subject twice but claimed that they had not been advised that they needed to pass an assessment task to pass the subject. The student requested that the University show some empathy as they suffered a great deal of stress under exam conditions and this was their last subject they needed to pass to graduate.

The Ombud reviewed the students academic transcript, Subject Outline and supporting medical documentation then interviewed the student.

The Ombud then discussed the Request for Assistance with the Associate Dean. It was agreed in this case the University had followed due procedure, nevertheless the faculty would process a Special Consideration allowing the student a separate room and 10 minutes extra reading time for an exam that was to be conducted the following day. The student passed the exam.

Case Study 3

A student lodged a request for assistance with the Office after receiving a fail in a subject for the second time. The student argued that the mark they received for an assessment task should be higher, that they failed the subject because they did not follow instruction in a Practical resulting in an automatic fail and, that they had not been provided with any feedback as to how they failed to follow instruction. The student also claimed that there was no policy that a failure in one assessment caused an automatic failure in the subject.

The student forwarded supporting documentation, including the Subject Outline to the Office but declined to meet with the Ombud to discuss the matter in person. The Ombud reviewed the documentation and corresponded with the Course Coordinator, Director of Undergraduate Programs and Associate Dean.

In relation to the disputed mark the Ombud had advised the student that marks awarded for assessments or any academic judgments are not a matter that the Ombuds Office can investigate.

The Ombud found that the the student did not fail because of an automatic fail but rather because they did not achieve the minimum overall mark of 60% and that the Subject Outline clearly states that a mark of 60% is needed, overall, to pass the subject.

The Ombud also found that the student had been given formative feedback after failing the first assessment task and the opportunity to meet with the Subject Coordinator but had chose not to.

It was also found that the student did not follow instructions in key areas and that the Subject Coordinator had felt that this was an issue of professional competency that was not taken seriously by the student. The Ombud found that this was was a matter of academic judgement and therefore not a matter the Office can investigate.

The Office found that there was insufficient evidence of maladministration or misconduct to make any recommendations.

7. QUALITY

The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

- Natural justice (fairness) and confidentiality
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

ATTACHMENT 1

TERMS OF REFERENCE

1. Appointment

1.1 The Council of the University shall appoint a person to be Student Ombud and may appoint one or more persons as Assistant Student Ombuds with the same authority and responsibilities as the Student Ombud, save that of the management of the Student Ombuds Office.

1.2 The Student Ombud and Assistant Student Ombud shall be responsible to the member of senior University management nominated by the Vice-Chancellor.

2. Authority to Enquire

2.1 The Student Ombud has the authority to conduct enquiries relating to complaints by registered students against decisions or conduct of staff, Committees, Boards or any unit or group either within the University or acting under the authority or auspices of the University.

2.2 On receipt of a written complaint signed by a registered student or a person who was a registered student at the time of the conduct complained of, the Student Ombud shall have authority to enquire into that complaint.

2.3 The Student Ombud may, for any reason including possible conflict of interests, refer a complaint to an Assistant Student Ombud.

2.4 On receipt of a complaint, the Student Ombud shall decide, by enquiry if necessary, whether or not the complaint falls within the role and functions of the Student Ombud. The complaint shall be dismissed if the Student Ombud is of the opinion that:

2.4.1 the complaint is frivolous, trivial, or not in good faith;

2.4.2 the complainant has an insufficient interest in the matter;

2.4.3 the conduct complained of occurred at too remote a time to justify investigation;

- 2.4.4** in relation to the conduct complained of there is available to the complainant an alternative and satisfactory means of redress;
- 2.4.5** in disputes involving the assessment of a student's academic performance, the Student Ombud shall normally investigate the complaint only if the complainant has attempted other avenues available under University regulations and procedures. The role of the Student Ombud shall normally be confined to being satisfied that the procedures of assessment for the course(s) in question have been followed and are reasonable in all the circumstances;
- 2.4.6** the conduct complained of is not of a character that concerns the University within its functions, responsibilities and powers as defined in the University Act, By-law, Rules, and policies.

Where the complaint has been dismissed by the Student Ombud, the complainant shall be informed of the reasons for the decision.

- 2.5** If during an investigation being carried out by the Student Ombud it becomes known that the complaint is the subject matter of a hearing or appeal under the University Act or By-law, the Student Ombud shall proceed no further with investigating the complaint until the hearing or appeal has been concluded.
- 2.6** The Student Ombud shall be given access to all University records and documents relating to the complaint.

3. Code of Conduct

- 3.1** The Student Ombud shall decide the form and procedures to be adopted in investigating a complaint. All persons involved shall be given reasonable opportunity to explain their views and encouraged to reach agreement.
- 3.2** If the complaint is not settled by informal consultation and discussion the Student Ombud may proceed with the enquiry by methods such as:
 - 3.2.1** providing a written copy of the complainant's statement to the person(s) against whom the complaint has been made; or

3.2.2 at the request of either the complainant or the person(s) complained against, or in any case where the Student Ombud deems it desirable, convening a conference to discuss the complaint.

3.3 Where the Student Ombud believes that during an enquiry a situation arises which requires attention to avoid further problems, the Student Ombud may make recommendations to any appropriate person.

3.4 Where the Student Ombud believes that during an investigation there arises a matter of principle affecting other sectors of the University, the Student Ombud may submit to the Deputy Vice-Chancellor a written interim report. In such a case, the Student Ombud shall inform the relevant persons that such a report has been made and shall indicate to them what, if anything, has been recommended.

4. Report of Investigation

4.1 At the conclusion of an enquiry, if in the opinion of the Student Ombud:

4.1.1 the complaint has been settled, no further action will be taken other than under 5 below; or

4.1.2 the complaint has not been settled, a written report may be made to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases) and to the persons involved; the Student Ombud's views on the matter and recommendations would normally be included. In such a case, persons involved shall be informed that they may make a submission in writing to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases); or

4.1.3 the complaint warrants no further action, or no further action can be taken, the Student Ombud may decline to proceed further.

5. The Student Ombud may bring to the attention of the Deputy Vice-Chancellor any matter:

(i) arising from an enquiry; or

- (ii) any matter relating to processes, procedures, rules or policies of the University.

6. Annual Report

Each year the Student Ombud shall present to the Deputy Vice-Chancellor an annual report for the previous year. The report shall be statistical in character and shall contain no reference to named individuals.